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ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

Note verbale dated 28 December 1994 from the Permanent Mission of Egypt to the United Nations (Vienna) addressed to the Crime Prevention and Criminal Justice Branch of the Secretariat

The Permanent Mission of the Arab Republic of Egypt to the United Nations (Vienna) presents its compliments to the Crime Prevention and Criminal Justice Branch of the Secretariat and, with reference to the note dated 24 October 1994 from the Secretary-General of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, concerning the organizational and substantive preparations for the Ninth Congress, to be held at Cairo from 29 April to 8 May 1995, has the honour to enclose herewith a draft resolution submitted by Egypt, entitled "Links between terrorism and organized crime", for adoption by the Ninth Congress.

The Permanent Mission of the Arab Republic of Egypt to the United Nations (Vienna) avails itself of this opportunity to renew to the Crime Prevention and Criminal Justice Branch the assurances of its highest consideration.

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DRAFT RESOLUTION

Links between terrorism and organized crime

The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Aware of the increasing danger of links between terrorism and organized crime as they continue to expand rapidly throughout the world and to assume new forms and dimensions, at the national and international levels,

Convinced that there is a similarity between the organizational structures of organized crime and of terrorism as reflected in their transnational nature and illicit methods, with their use of physical force, plundering of property, extortion, forgery and falsification, illicit trafficking in arms and in drugs, illicit transactions and money-laundering,

Deeply concerned by the similarities in the threats posed by such crimes to national and international security and stability, democracy, the rule of law, human rights and national efforts to achieve economic and social development,

Confirming the recommendations embodied in the Milan Plan of Action,[1] adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on giving priority to the fight against terrorism in all its forms and on launching major efforts to control and eventually eradicate the phenomenon of organized crime,

Taking into consideration the resolution on organized crime[2] adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Eighth Congress expressed its concern at the alarming threat and acknowledged gravity of the offences committed by organized crime, especially terrorism,

Recalling that the General Assembly in its resolution 48/122 of 20 December 1993 expressed its serious concern at the gross violations of human rights perpetrated by terrorist groups,

Referring to section III of the resolution adopted by the African Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Kampala from 14 to 18 February 1994,[3] in which Member States were urged to cooperate in identifying new forms of organized crime, including criminal terrorist acts, and to conclude mutual assistance agreements to counter them,

Referring also to section I.B of the resolution adopted by the Western Asia Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Amman from 20 to 24 March 1994,[4] in which Member States were urged to cooperate in identifying and combating the new forms of organized crime, particularly crimes of terrorism,

Taking into consideration that the Economic and Social Council, in section III of its resolution 1994/19 of 25 July 1994, invited the Ninth Congress to consider crimes of terrorism, one of the most dangerous forms of crime, as well as their interrelationship with organized crime, and ways of enhancing regional and international cooperation in preventing and combating those crimes effectively,

Referring to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,[5] in which the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, expressed its determination to join forces against the expansion and diversification of organized transnational crime, noting with grave concern links between organized transnational crime and terrorist crimes, and to direct particular efforts to counter the ability of criminal organizations to use violence and terror,

Recognizing the seriousness of interrelationships between transnational organized crime and the crime of terrorism, which necessitate preventive and effective measures, in conformity with the principles of international law,

1. *Unequivocally condemns* organized crime and the crime of terrorism, as well as their various forms, aspects and practices, wherever they are committed and whoever their perpetrators may be, and considers them to be crimes aimed at the suppression of human rights and basic democratic freedoms, threatening the territorial integrity of States and their security, jeopardizing the stability of legally constituted Governments, undermining the pillars of pluralist civil society and harming the economic and social development of States;

2. *Calls upon* States to take effective national measures, as required, in the areas of legislation, investigation and law enforcement, in order to ensure the prevention, countering and elimination of the crime of terrorism and organized crime;

3. *Urges* States to enhance international cooperation, taking into account the various legal systems, while giving due attention to human rights and internationally accepted legal standards, for the sake of combating terrorism and its growing relationship with transnational organized crime;

4. *Calls upon* States to cooperate, to exchange technical information and to share experiences in combating the use of the proceeds of organized crime for financing the crime of terrorism and to cooperate in the legal and judicial fields, particularly with regard to the extradition of offenders, by means of bilateral, regional or international conventions;

5. *Calls upon* institutes and centres for crime prevention and criminal justice to devote the required attention to studying the relationship between transnational organized crime and the crime of terrorism, their effects, and appropriate means for countering them;

6. *Urges* the competent United Nations bodies to collect from all sources information on the relationship between transnational organized crime and the crime of terrorism, to coordinate their activities and to facilitate the access of States to such information through the Secretariat;

7. *Recommends* the establishment of an open-ended intergovernmental working group, within the framework of the Commission on Crime Prevention and Criminal Justice, to draft a code of conduct for combating transnational organized crime and its links with terrorism;

8. *Invites* States to inform the Commission on Crime Prevention and Criminal Justice of their views and contributions with regard to the draft code of conduct for combating transnational organized crime and its links with terrorism;

9. *Requests* the Secretariat to submit periodic progress reports to the Commission on the work of the open-ended intergovernmental working group on the draft code of conduct for combating transnational organized crime and its links with terrorism;

10. *Recommends* that the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and its regional preparatory meetings should consider the relationship between transnational organized crime and the crime of terrorism and that the subject should be included as a separate item in the provisional agenda for the Tenth Congress.

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[1]See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

[2]See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.15.

[3]A/CONF.169/RPM.2.

[4]A/CONF.169/RPM.5.

[5]A/49/748, annex, chap. I, sect. A.